

DEPARTMENT OF BENEFIT PAYMENTS



February 5, 1974

ALL-COUNTY LETTER NO. 74 - 23

TO: ALL COUNTY WELFARE DIRECTORS

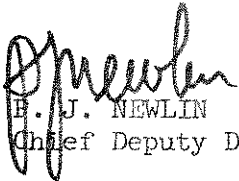
RESIDENCE OF FOSTER CHILD

The purpose of this letter is to provide further clarification regarding the application of the residence regulations as they apply to all foster care cases. The definition of residence as stated in MPP Section 42-403.1 applies in all foster care cases, including cases where the child placed is a dependent of the court, a ward of the court, a voluntary placement, or simply placed by the person or agency who has legal authority to determine where the child will reside. A child who has been placed out of the state with a guardian, a foster parent, or other caretaker does not meet the residence requirement and consequently is not eligible for aid from California. The only exceptions to this interpretation are in cases of temporary absence, such as for school or training.

Conversely, a foster child placed by a court of competent jurisdiction from another state in a foster home in California with the intent that this be a permanent arrangement is considered a resident. This would also be true if the child entered the state and resided with a legal guardian.

In those cases where legal custody is not concurrent with physical custody, the physical presence of the child is the determining factor in establishing eligibility. It is generally assumed that a child placed with a guardian, foster parent, or relative out of state is given both physical and legal custody; however, there are exceptions to this rule, and in such cases the physical presence of the child prevails in determining residence.

Sincerely,


B. J. NEWLIN
Chief Deputy Director**OBSOLETE**Superseded by ACL # 77-15
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